

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF SUPERFUND  
DRYCLEANER ENVIRONMENTAL RESPONSE PROGRAM**

**PENALTY POLICY**

**Registration Fees**

The registration fees are due by October 31<sup>st</sup> each year.

**Level I Penalty** - no other program violations other than late payment or non-payment of program registration fees. The late penalty is based on the number of days from the registration due date through the date the entire registration fee is paid.

- (a) registration fee paid 1 - 5 days late - \$50
- (b) registration fee paid 6 - 30 days late - \$250
- (c) registration fee paid 31 - 60 days late - \$500
- (d) registration fee paid 61 - 90 days late - \$750
- (e) registration fee paid 91 - 120 days late - \$1000

An additional late penalty of \$100 will be assessed for each returned check.

A Notice of Violation (NOV) will be issued to the owner/operator through certified mail if the registration fee remains unpaid after 120 days. The owner/operator as a non-registrant is assessed the non-registrant penalty of \$2000. The owner/operator will be given 30 days in which to pay the non-registrant penalty. If the non-registrant penalty is not paid within 30 days the owner/operator will be assessed a penalty of \$4000 and the Department will initiate legal action.

**Level II Penalty** - the facility purchased or obtained solvent while in an unregistered status. Level two penalty is \$500 per incident and is in addition to any late registration penalty.

**Level III Penalty** - accrued late fees remain unpaid upon application for Entry into the Program

Facility Status	Category 1	Category 2	Category 3
Violation Level III	\$500 per month	\$750 per month	\$1000 per month

**Solvent Surcharge Fees** (Solvent Suppliers/Distributors)

Solvent surcharge fees are due by the end of the month following the end of the calendar quarter (i.e. January-March sales - surcharges due by April 30). Late payment or non-payment of solvent surcharge fees will accrue a late penalty which is the greater of 1) 5% per month of the unpaid surcharge or 2) \$150.00 per month, not to exceed an amount equal to \$50.00 per day.

**NOTE:**

Penalties for late payment or non-payment of program registration fees and/or solvent surcharge fees will continue to accrue until the entire fee or surcharge is paid. Once the entire registration fee or surcharge is paid, the penalty will cease to accrue (i.e. no accrual of penalty on outstanding penalty). However, penalty amounts (including the above schedule) are discretionary up to the statutory limit of \$50 per day and can be adjusted based on timeliness of payment, other program violations and other relevant factors determined by the Program. **A drycleaning facility is considered unregistered and will not receive a Certificate of Registration until all fees, surcharges and penalties have been paid.**

**Unlawful sale or transfer of solvent to an unregistered facility**

First offense - \$800.00 per incident, payment suspended if no additional violations within 12 months of the date of the Commissioner's Order.

Second offense - \$1000.00 per incident, \$500.00 payment with remainder suspended if no additional violations within 12 months of the date of the Commissioner's Order.

Third or more offense - minimum penalty of \$2500.00 per incident, \$1250.00 payment with remainder suspended if no additional violations within 12 months of the date of the Commissioner's Order.

NOTE: The penalties may be adjusted at the discretion of the Department based on the cooperation given the Department, the amount of solvent sold or transferred, the number of sales to unregistered facilities, the number of repeated violations, or other relevant factors.

**Duplicate certificate**

\$25.00 with a limit of one duplicate per year. The facility must request a duplicate certificate in writing and explain why a duplicate certificate is necessary. If the original certificate is subsequently located, the original must be returned to the Department without a refund of the duplicate certificate fee.

**Failure to Post Certificate of Registration**

\$50.00

***This penalty policy is subject to change***